IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH FEBRUARY 2007 / 24TH MAGHA 1928

Crl.MC.No. 296 of 2007()

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CRA.414/2005 of SESSIONS COURT, MANJERI
MC.84/2005 of JUDL.MAGISTRATE OF FIRST CLASS COURT, TIRUR

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PETITIONER:
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1. M.A.MOHAMMED, S/O.ALIYAR,
   MOLATH HOUSE, AMBADIMOOLA, KAKKANAD,
   KANAYANNOOR TALUK, ERNAKULAM.

2. NAZEER, S/O.HASSAN,
   KEERRARIMALAYIL HOUSE, ATHANI,
   KAKKANAD, KANAYANNOOR TALUK, ERNAKULAM.

BY ADV. SRI.KRISHNADAS P. NAIR

RESPONDENTS:
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STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**R. BASANT, J.**

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Crl.M.C.No. 296 of 2007

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Dated this the 13th day of February, 2007

**O R D E R**

The petitioners are the sureties of an accused in a prosecution under Section 420 I.P.C. The accused was released on bail on his executing a bond for Rs.5,000/- with the petitioners as sureties. The accused started absconding and the bail bond was cancelled on 16.12.2004. Notice was ordered to the sureties. The order under Section 446 Cr.P.C. was passed on 20.6.2005 by the learned Magistrate. On that day also the accused was not produced. The petitioners preferred an appeal. During the pendency of the appeal, it was brought to the notice of the court that the accused had been produced subsequently and acquitted after trial. The learned Appellate Judge took a lenient view and reduced the penalty amount to Rs.2,500/- each.

2. The petitioners have now come to this Court and the only prayer is for leniency. The accused having admittedly been produced before the Magistrate subsequently and he having already been acquitted, the penalty amount imposed is excessive, submits the

counsel. I am satisfied, in the facts and circumstances of this case, that further leniency can be shown to the petitioners, it having been shown satisfactorily now that the accused had been produced before the Magistrate and he has been acquitted by the court.

3. This Crl.M.C. is accordingly allowed in part. The penalty which the petitioners are directed to pay is reduced to Rs.1,500/- (Rupees one thousand five hundred only) each.

**(R. BASANT)**
Judge

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